

REMARKS**I. 35 U.S.C. § 121**

The Office Action requires restriction to one of the following sets of claims:

- I. Claims 1-6, 15-20, 29-34, allegedly drawn to performing a remote direct memory access under the control of the adapter and classified in class 709, subclass 212;
- II. Claims 7-14, 21-28, 35-42, allegedly drawn to performing a remote direct memory access with the host and classified in class 709, subclass 212.

In response to the Restriction Requirement, Applicants elect invention II, claims 7-14, 21-28, and 35-42, with traverse.

For restriction to be proper, the Examiner must apply a two-pronged test. First, the inventions must be distinct. Second, the existence of multiple allegedly distinct inventions must present an undue burden on the Examiner. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. See MPEP § 803.

In the present case, the Examiner has stated that both of the alleged inventions are classified in class 709, subclass 212. Because the alleged inventions are classified in the same class and subclass, the inventions have not acquired a separate status in the art and restriction is not proper. Certainly, a competent search of invention I would encompass the subject matter of invention II. Similarly, a competent search of invention II would encompass the subject matter of invention I. Thus, examining both alleged inventions would not appear to present an undue burden on the Examiner.

For all the above reasons, Applicants respectfully request withdrawal of the Restriction Requirement and an examination of all claims, 1-42, on the merits.

II. Conclusion

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,

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